



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tai-Hua CHEN Confirmation No: 4224
Appl. No. : 10/828,313
Filed : April 21, 2004
Title : VALVE MECHANISM OF THE BLADDERS OF AN AIR
PACKING BAG

TC/A.U. : 3753
Examiner : C.K. Lee

Docket No.: : CHEN3659/REF
Customer No: : 23364

SUPPLEMENTAL RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in further to the Request for Reconsideration filed on July 7, 2006, in connection with the above-identified application.

Applicants submit herewith an Executed Declaration by the inventor in connection with this application as well as by Inventor Lee of pending application 10/817,788.

In view of the Declaration submitted herewith and the previous comments of record, it is most respectfully requested that the outstanding rejection be withdrawn.

Respectfully submitted,
BACON & THOMAS, PLLC

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REF:cjw
August 2, 2006
supplemental response.wpd



10/817,788

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of March 7, 2006, in connection with the above-identified application. The period for response has been extended to expire on July 7, 2006 by the filing herewith of a Petition for a one-month extension of time and payment of the required fee.

The rejection of claims 1, 5-7 under 35 U.S.C. 102(e) as being anticipated by Lee (US Publication No. 2005/0103676) has been carefully considered but is most respectfully traversed. In view the common ownership of the claimed subject matter and the following comments.

Similarly, the rejection of claims 2 and 3 under 35 USC 103 (a) as being obvious over the Lee reference in view of Jaszai and the rejection of claim 4 as being obvious over Lee in view of Tanaka each have been carefully considered but are most respectfully traversed.

Applicant notes the comments on page 4 of the Official Action and the reference to MPEP 706.02 which refers to 706.02(I)(3) and the statement therein that applications and patents will be considered to be owned by, or subject to an obligation of assignment to, the same person, at the time the invention was made, if applicant or attorney or agent of record makes a statement to the effect that the application the

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Response dated: July 7, 2006
Reply to OA of: March 7, 2006

reference were, at the time the invention was made, owned by or subject to an obligation of assignment to the same person or organization. It is the undersigned attorney's understanding and belief that such common ownership is present with respect to the present application, assigned of record to Camry Packing Industrial Limited which is also the Assignee of the Lee published application US 2005/0103676 as is evident from the face of the published application.

Moreover, the claims in the Lee reference relate to an inflatable packaging bag while the presently claimed invention relates to a valve mechanism mounted in a plurality of bladders of a air packaging bag comprising an upper film, a lower film, and a plurality of space heat-proof members sandwiched between the upper and the lower film, wherein the spacing and the length of the heat-members correspond to the quantity of the bladders. The portion in the Lee patent which Applicant has identified as attributable to Applicant includes the air valve and in particular the statement "in order to prevent complete bonding between the top air-valve layer 25 and the bottom air-valve layer 26, a skin of heat resisting substance 33 is provided between the top air-valve layer 25 and the bottom air-valve layer 26 in such that the air input port 35 is kept open after the formation of the fourth top heat sealed seams 32". See paragraph (0017) in the published Lee application, lines 5-10.

Note also the distinction in the presently claimed subject matter and that in the Lee application and in the corresponding declarations in each application concerning the inventorship of the claimed subject matter in each application.


Clearly, the published Lee application is not a reference against the presently claimed subject matter in view of the common ownership and attribution in the present response. Therefore, each of the rejections set forth in the Official Action is obviated because of the unavailability of the Lee reference as a primary reference. Accordingly, it is most respectfully requested that these rejections be withdrawn.

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Reply to OA of: March 7, 2006

In view of the above comments, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

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July 7, 2006